



December 8, 2023

VIA ECF

The Honorable Sarah Netburn
S.D.N.Y. Thurgood Marshall Courthouse
New York, NY 10007

Re: *Lynne Freeman v. Tracy Deebs-Elkenaney et. al.*, 1:22 Civ 02435 (LLS)(SN)

Dear Judge Netburn:

The parties write jointly to request a further modification of the page limits and allocations for the remainder of summary judgment briefing. As outlined below, this request would have Defendants respond to Plaintiff's consolidated opening copyright brief with their own consolidated opening/opposition copyright brief, with state-law issues broken off into separate shorter briefing. This letter does not request a modification of any dates or the procedure for *Daubert* briefing.

The existing procedure under the Amended Scheduling Order and Second Amended Scheduling Order (ECF Nos. 260, 269, clarified by ECF No. 271), is as follows:

- Plaintiff's opening consolidated copyright brief (filed Nov. 22): 30 pages
- Publishing and Prospect Defendants' opening/opposition briefs (due Dec. 22): 50 pages each
- Plaintiff's opposition/replies to the Publishing/Prospect Defendants' briefs (due Jan. 31, 2024): 40 pages each
- Publishing and Prospect Defendants' respective reply briefs (due Feb. 21, 2024): 15 pages each

The parties jointly request that the remaining briefing be modified as follows:

- Briefs due Dec. 22:
 - Defendants' consolidated opening/opposition brief on copyright claims: 60 pages
 - Prospect Defendants' opening brief on state-law claims: 20 pages
- Briefs due Jan. 31:
 - Plaintiff's consolidated opposition/reply brief on copyright claims: 50 pages
 - Plaintiff's opposition brief on state-law claims: 20 pages
- Briefs due Feb. 21:
 - Defendants' consolidated copyright reply brief: 20 pages
 - Prospect Defendants' state-law reply brief: 10 pages

The above proposal gives the parties equal page length for copyright issues (80 total pages each), and further reflects that only the Prospect Defendants will affirmatively move on state-law issues.

The parties thank the Court for its time and attention to this matter and respectfully request that their proposal be adopted.

Respectfully submitted,

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